

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

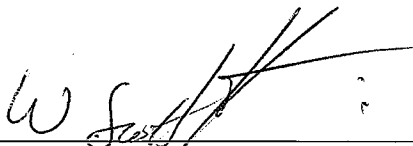
SCOTT HUTCHISON ENTERPRISES, INC. et al.,: Civil Action No. C-1-01-776
:
Plaintiffs, : (Judge Weber)
:
v. :
:
RHODES, INC., et al. : AFFIDAVIT OF
:
Defendants. : W. SCOTT HUTCHISON
:

STATE OF WEST VIRGINIA)
) SS.
COUNTY OF CABELL)

I, W. Scott Hutchison, being duly sworn and cautioned, depose and state as follows:

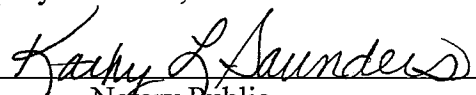
1. I am the President of Scott Hutchison Enterprises, Inc. and W.N. & Scott Hutchison Partnership and I am competent to testify to the matters herein on the basis of my own personal knowledge of the facts and relevant documents, among other things; and
2. Since the Vacant Land is located in jurisdictional wetlands and the Army Corps of Engineers issued a cease and desist order prohibiting further work on the Vacant Land, Plaintiffs Scott Hutchison Enterprises, Inc. and W.N. & Scott Hutchison Partnership (hereinafter collectively referred to as "Hutchison") cannot develop the Vacant Land as intended nor use the land, Scott Hutchison Enterprises, Inc. and W.N. & Scott Hutchison Partnership are losing money each month. Additionally, Hutchison must continue to pay the mortgage for the Vacant Land and incur the costs associated with remediating the Property, which includes, but is not limited to, the costs of purchasing remediation land, and the costs involved in getting EPA approval for the remediation.

FURTHER AFFIANT SAYETH NAUGHT.



W. Scott Hutchison

Sworn to before me and subscribed in my presence, this 22 day of March, 2005.



Notary Public

